IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 612 OF 1998

The Commissioner of Income-tax. ... Applicant.
V/s.
Ghatge Patil Transport Pvt.Ltd. ... Respondent.

A.S.Rao for the Applicant.

P.Vaidya with S.N.Inamdar for respondent.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 29th March, 2005.

P.C. :

. Heard learned counsel for the applicant.

The tribunal has referred following question for the

opinion of this Court:

> "Whether on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal is legally justified in holding that the remuneration paid to the Managing Directors is governed by the provisions of sec.40(c) of the Income-tax Act, 1961 and not by the provisions of sec.40A(5) of the Act?"

2. The above question has already been answered

by the Division Bench of this Court in the case of **C.I.T. v. Hico Products (P.) Ltd.**, (1993) 201 ITR 567 (Bom) in favour of assessee and against the the revenue. In this view of the matter, the question referred is answered in affirmative for the reasons

stated in the above referred judgment.

. Reference stands disposed of accordingly

with no order as to costs.

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